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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 IN RE: PHENYLPROPANOLAMINE (PPA)
9 PRODUCTS LIABILITY LITIGATION

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11 This document relates to:

12 Park v. Chattem, Inc., et al.,
13 No. 02-755

MDL NO. 1407

ORDER MODIFYING CASE
MANAGEMENT ORDER 8

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15 This matter comes before the court on Plaintiffs' Motion to Modify Case Management Order
16 ("CMO") 8. Plaintiffs seek to increase from three percent (3%) or four percent (4%) to eight percent
17 (8%) the amount to be tendered to the MDL Account from payments made by defendants in
18 settlement of claims relating to the PPA-containing product marketed under the brand name
19 Dexatrim®.¹ Having reviewed Plaintiffs' briefs, and all objections filed, and having heard argument on
20 the motion, the court rules as follows:

21 The objections filed to Plaintiffs' motion amount to no more than concern that in the end,
22 Plaintiffs will be over-compensated for the work performed in spearheading, negotiating and
23 administering the settlement of claims relating to the PPA-containing product marketed under the
24 brand name Dexatrim®. However, the court is not authorizing any distribution of funds from the MDL

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26 ¹The amount to be tendered pursuant to CMO 8 is different for state (3%) than for federal (4%) cases.

1 Account, but will consider fee petitions at the appropriate time. The court hereby GRANTS Plaintiffs'
2 Motion to Modify Case Management Order 8, and orders an increase from three percent (3%) or four
3 percent (4%) to eight percent (8%) of the amount to be tendered to the MDL Account from payments
4 made by defendants in settlement of claims relating to the PPA-containing product marketed under the
5 brand name Dexatrim®.

6 DATED at Seattle, Washington, this 13th day of December, 2004.

7 s/ Barbara Jacobs Rothstein
8 BARBARA JACOBS ROTHSTEIN
United States District Court Judge

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